

United States District Court
District of Massachusetts

CIVIL ACTION NO. 04-10246

_____,
LORENZO GUARINO,
Plaintiff

vs.

R.W. GRANGER & SONS, INC. &
SCAVONE C&M CONSTRUCTION CO., INC.,
Defendants

**PLAINTIFF'S APPLICATION FOR DEFAULT AGAINST SCAVONE C&M
CONSTRUCTION CO., INC PURSUANT TO RULE 55(a)**

To the Clerk of the above-named Court:

I, Frank C. Corso, attorney for the above-named plaintiff, Lorenzo Guarino, under oath and the penalties of perjury, state that:

1. The complaint in which a judgment for affirmative relief is sought against the defendant, R.W. Granger & Sons, Inc. was originally filed on or about February 5, 2004. The complaint was amended on or about July 18, 2005 to add defendant Scavone C&M Construction Co., Inc.

2. The summons and a copy of the complaint were served on the defendants on or about February 9, 2004 and July 20, 2005, as shown by the returns of service.

3. The time within which the defendant Scavone was required to serve a responsive pleading or otherwise defend pursuant to Rule 12(a) or any extension thereof agreed by the parties has expired.

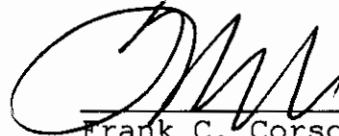
4. The defendant has failed to serve or file a responsive pleading or otherwise defend as to the Complaint.

5. The defendant Scavone is a corporation and, to the best of my knowledge, is not an infant or incompetent, nor in

the armed services as defined by the Soldiers' and Sailors' Relief Act of 1940.

Wherefore, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff makes this application that the defendant be defaulted.

Lorenzo Guarino
By its Attorney,



Frank C. Corso, Esq.
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BBO # 545552
15 Court Square, Suite 240
Boston, MA 02108
(617) 227-0011

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AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Massachusetts

District of

SUMMONS IN A CIVIL CASE

Lorenzo Guarino v. R.W. Granger & Sons, Inc.
V. Scavone C&M Construction Co., Inc.

CASE NUMBER:

04 - 10246JLT

TO: (Name and address of Defendant)

Dominic Scavone, President
Scavone C&M Construction Co., Inc.
51 Lacombe Street
Marlboro, MA 02184

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Frank C. Corso, Esquire
Law Office of Frank C. Corso
15 Court Square, Suite 240
Boston, MA 02108

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

(By) DEPUTY CLERK

DATE

February 5, 2004

JULY 20, 2005

QUICKSERV
ALLSTATE PROCESS SERVERS

RETURN OF SERVICE

I this day SERVED the within named DOMINIC SCAVONE, PRESIDENT
SCAVONE C&M CONSTRUCTION CO.

by delivering to

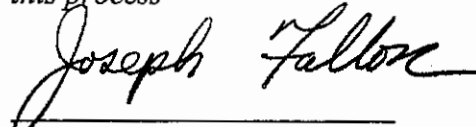
THIS IS A COMMERCIAL LOCATION. SPOKE
WITH BUILDING MANAGEMENT AND
SEVERAL TENANTS; THIS COMPANY IS NOT
KNOWN. NO LISTING WITH TELEPHONE
INFORMATION. PLEASE ADVISE.

in hand, or
leaving at last and usual place of abode, to wit:

No. 51 LACOMBRE STREET
in the MARLBORO *District of said* MIDDLESEX *County an attested*
copy of the SUMMONS, PLAINTIFF'S FIRST AMENDED COMPLAINT, AND CLAIM TO TRIAL
BY JURY

Service and travel 28

it being necessary I actually used a
motor vehicle in the distance of
30 miles in the service of
this process



Process Server